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 TUMBLEWEED COMMUNICATIONS
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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

TUMBLEWEED COMMUNICATIONS,
 CORP., a Delaware corporation,

Plaintiff,

v.

SENDMAIL, INC., a Delaware corporation
 and DOES 1 through 10, inclusive,

Defendants.

And Related Counterclaims

CASE NO. 3:08-cv-04318-JCS

**STIPULATED REQUEST TO EXTEND
 TIME FOR CLAIM CONSTRUCTION
 BRIEFING**

Pursuant to Civil L.R. 6-2, Defendant Sendmail, Inc., and Plaintiff Tumbleweed Communications, Corp., through their respective counsel, hereby request the Court extend the time for submitting Defendant's brief in Opposition, and Plaintiff's Reply thereto, to Plaintiff's Opening Claim Construction Brief, which was filed on May 29, 2009.

The parties request an extension to the remaining briefing schedule because a technical problem with PACER prevented Defendant from accessing or downloading Plaintiff's Claim Construction briefing after it was filed. Plaintiff's Opening Claim Construction brief was due on May 29, 2009. Plaintiff's counsel timely filed the brief. Defendant's counsel, however, tried to access the document from PACER after it was filed on Friday and again on Saturday and Sunday, with no success. Defendant was finally able to download the filed documents from PACER on Monday morning, June 1, 2009. The parties request that claim construction briefing schedule be extended so Defendant has the full time available to it in order to respond to Plaintiff's brief. The parties seek only to extend the time for Defendant's responsive briefing by three days, and to recalculate the due date for Plaintiff's reply so the amount of time in which Plaintiff has to respond does not change.

Pursuant to Civil L.R. 6-2, the reasons for the requested extension of time are also set forth with particularity in the accompanying Declaration of Laurie Charrington in Support of the Stipulated Request for Order to Extend Time for Claim Construction Briefing.

Dated: June 3, 2009

JONES DAY

By: Laurie M. Charrington
Laurie M. Charrington

Attorneys for Defendant
SENDMAIL, INC.

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1 Dated: June 3, 2009

Munger Tolles & Olsen LLP

2 By: _____

3 Victoria L. Boesch

4 Attorneys for Plaintiff
5 TUMBLEWEED COMMUNICATIONS
6 CORP.

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9 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

10 Dated: June 5, 2009

11 **JOSEPH C. SPERO**
12 United States Magistrate Judge

